

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Civil No. 08-171 (RHK/AJB)

Petitioner,

ORDER

v.

Maurice Riley,

Respondent.

Based upon the undersigned's de novo review of the Report and Recommendation of United States Magistrate Judge Arthur J. Boylan, dated March 4, 2008, as well as Respondent's letter Objection¹ thereto, **IT IS ORDERED:**

1. The Report and Recommendation (Doc. No. 8) is **ADOPTED**;
2. The letter Objection is **OVERRULED**;
3. The Petition to Determine Present Mental Condition of an Imprisoned Person Under 18 U.S.C. § 4245 (Doc. No. 1) is **GRANTED**;
4. Respondent is found to be suffering from a mental disease or defect for the treatment of which he is in need of hospitalization in a suitable psychiatric facility;
5. FMC-Rochester is a suitable facility at which to treat Respondent's mental illness;

¹The March 26, 2008, letter from Respondent's counsel, acknowledging that the "factual conclusion contained in the report are accurate" and supported by the record.

6. Respondent is committed to the custody of the United States Attorney General;
and

7. The Attorney General shall hospitalize Respondent at FMC-Rochester.

Dated: April 8, 2008

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge